

# Notice of Allowability

Application No.

09/734,968

Examiner

Thomas H. Stevens

Applicant(s)

BALLUS, THOMAS A.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/29/04.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-22 were examined.

***Response to Applicant's Arguments***

***Trademarks***

2. Applicants are thanked for addressing this issue. Examiner accepts change to page 8, lines 24-25, thus rejection is withdrawn.

***35 USC § 112 2nd***

3. Applicants are thanked for addressing this issue. Rejection is withdrawn.

***35 USC § 103***

4. Applicants are thanked for addressing this issue. Applicant's arguments are persuasive such as to place the application in condition for allowance, thus rejection is withdrawn.

***Reasons for Allowance***

5. Howe et al. ("A Network-based Kit of Parts Virtual Building System") teaches a virtual Internet-based xyz coordinate design program for real-time modification and implementation but doesn't teach an optimization *algorithm which designs data (claims 1-11)*, nor relate to all the design of a ducting system.

Dai et al., (U.S. Patent 5,439,402) teaches a method for designing a short, steep, integrated inlet duct for efficient fluid transmission of a substantially cavitation free flow is provided but doesn't teach the means for *automating the design of a ducting system for a standard ductworth (claims 12-22)*.

Yazici et al., (U.S. Patent 5,587,563) teaches a combined duct apparatus and silencer for attachment to both the inlet and the outlet of a fan unit for a building wherein each silencing apparatus has an exterior housing; but doesn't teach *automating the design of a ducting system for a standard ductworth (claims 12-22)* nor methods for duct simulation design (claims 1-11).

### ***Recommendations***

6. Formal drawings are now required.

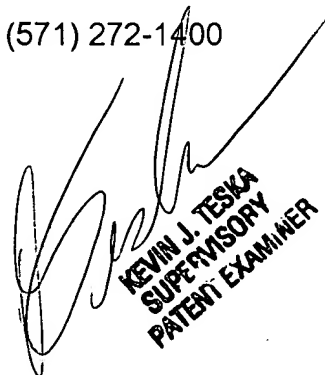
### ***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715, Monday-Friday (8:00 am- 4:30 pm) or contact Supervisor Mr. Kevin Teska at (571) 272-3716. Fax number is 571-273-3715

Any inquires of general nature or relating to the status of this application should be directed to the Group receptionist whose phone number is (571) 272-1400

February 17, 2005

THS



KEVIN J. TESKA  
SUPERVISORY  
PATENT EXAMINER